

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**SHERRY H. DETWILER,**

Plaintiff,

v.

**MID-COLUMBIA MEDICAL CENTER, a  
Public Benefit Corporation, CHERI  
MC CALL, and DOES 1 THROUGH 50,  
inclusive,**

Defendants.

Case No. 3:22-cv-01306-JR

**ORDER ADOPTING F&R**

Ray D. Hacke, Pacific Justice Institute, 317 Court Street NE, Suite 202, Salem, OR 97301.  
Attorney for Plaintiff.

Sharon C. Peters and Rachael Grey, Lewis Brisbois Bisgaard & Smith LLP, 888 SW Fifth  
Avenue, Suite 900, Portland, OR 97204. Attorneys for Defendants.

**IMMERGUT, District Judge.**

On December 20, 2022, Magistrate Judge Jolie Russo issued her Findings and  
Recommendation (“F&R”), ECF 21, recommending that Defendants Mid-Columbia Medical  
Center and Cheri McCall’s (collectively, “Defendants”) Motion to Dismiss, ECF 14, be granted.  
Plaintiff timely filed objections, ECF 23, to which Defendants timely responded, ECF 24. This

Court has reviewed de novo the portion of the F&R to which Plaintiff objected. For the following reasons, the Court ADOPTS Judge Russo's F&R.

### **STANDARDS**

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### **CONCLUSION**

This Court has carefully reviewed de novo the portions of Judge Russo's F&R to which Plaintiff objected. Judge Russo's F&R, ECF 21, is adopted in full. This Court GRANTS Defendants' Motion to Dismiss, ECF 14.

### **IT IS SO ORDERED.**

DATED this 26th day of May, 2023.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge